

April 5, 2002

TO: Recipients of Legislative Memos

FROM: David A. Vogler, Legal Counsel

SUBJECT: Legislative Memo #9 for the 2002 Session

This week was probably the last week that significant action was taken on natural resource related issues for this session. There are only eight legislative days left after today (4/5) and I would expect that the bulk of that time will be spent debating the budget deficit. Currently there is about a \$20 million dollar difference between what the legislature has proposed and the target amount to close the gap. Depending on the Governor's response to the legislative package, there may be considerable work left to do before 4/19. We should all bear in mind that the revenue forecast for the month of March indicates approximately another \$36 million shortfall, which only compounds the problems facing the budget deficit.

Given the legislative maneuvering which has taken place this session I am going to address the natural resource issues in the body of this memo rather than by the traditional attachment, which listed bills of interest by their original bill number.

On Thursday the legislature advanced LB 1003, which originally was a Game and Parks bill, to final reading with numerous amendments. Of interest to us is AM 3544 which is a substitute amendment to AM 3227 discussed in last weeks memo (#8). AM 3544 is a combination of the Water Policy Task Force and the original provisions of LB 938, which is the authorization for use of the Soil and Water Conservation Fund to assist landowners installing sediment control structures on lands being converted to urban uses.

The structure and duties of the Water Policy Task Force remain the same as the modified proposal discussed in memos # 6 and 7. There will be 49 members and an executive committee of 14 members. In addition, an amendment was adopted which will allow any member of the legislature to participate on the task force. The duties remain at looking at LB 108, temporary water transfers, permanent transfers, water leasing and/or banking, and inequities between surface and groundwater users. Funding for the task force in AM 3544 would come from a General Fund appropriation of \$250,000 with a corresponding reduction in the Soil and Water Conservation Fund of \$250,000; a cash fund transfer of \$150,000 from the Petroleum Release Cash Fund; and the application for an Environmental Trust Grant of at least \$350,000. One problem that still exists regarding the funding mechanism is that because there is a General Fund appropriation and corresponding reduction, an "A" bill will need to accompany the legislation. As of today no "A" bill exists and little time remains for one to catch up with the legislation.

As mentioned, AM 3544 also includes the provisions of the former LB 938. Landowners converting their land to urban uses would be eligible for Soil and Water Conservation Funds for erosion control practices. Erosion and sediment control structures would have to be installed prior to land disturbing activities and remain in place until ninety-five percent of the site is permanently stabilized. The structures themselves would not be permanent structures. The Natural Resource Commission would still be able to condition the payments as with any other use of the SWCF. No fiscal impact would result from this measure.

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Enclosure

LEGISLATIVE MEMO #9
STATUS REPORT – 2002 SESSION

NOTE: Changes from the last memo are shown in bold.

LB #	Subject	Committee/ Hearing Info.	Applicable Legis. Memo(s)	Status (e-date)
57	Sales tax/public records		1	F
120	Ag land values		1	IP
121e	Base limitation/lid		1	IP
161	Poli. Sub. Tort claims		1	G
259	Counties/Occ. Tax/vacate roads?		1	AG(2-27)
290	Ag land at 50%		1	IP
301	Eng. & Arch. Act/triggers	HHS/2-8;1:30	1	G
355	Poli. Sub. Tort Claims/2 years		1	G
404	State Water Task Force		1	G
447	NRDs/Counties/Close Roads		1	IP
458	Water Well Board Report		1,2,4,5	AG(3-18)
504	Approp. for NREF		1	C
568ePB	Budget date/e-filing		1	AG(2-27)
600PB	Ag land/net earning value		1	S
628	State 404 program		1	IP
632	NGPC/# of members		1	IP
634	DOA fees/NREF		1	G
635	Approp. for NREF #2		1	C
636	Nat. Heritage Plates		1	C
708	Lottery/Env. Trust 14.5%		1	IP
709	NRD/Em. dom./rec. use		1	C
731	Vacancies/elected boards		1	IP
758PB&A	Fertilizer fee/excess/UNL		1	G
763	Storage/dams/LWCF		1,2	G
764	Stormwater/assess areas		1	IP
777	Amends to Nebr. NG-ESCA		1	G
778	NGPC/confidentiality		1	G
785	Railroad/Em. dom./DNR		1	C
791PB	Lottery/18% to funds		1	G
813e	Public facility financing		1	C
837e	DNR hearings/NRD/county		1	IP
889	Well Stand./Contractor's Lic.	N.R./1-23;1:30	2,5	IP
890	Well Regis. Fee Structure	N.R./1-23;1:30	2,5,7	G
891	ET Admin. Structure	N.R./1-25;1:30	2	G
903	Interstate Compact Sunshine Act	Gov./1-31;1:30	2	IP

Code: * (unofficial); (e) emergency clause; (CA) constitutional amendment; (C) in committee; (G) General File; (S) Select File; (F) Final Reading; (P) Passed; (AG) Approved by Governor; (IP) Indefinitely Postponed; (V) Vetoes; (LV) Line item veto of appropriation; (LWG) Became law w/o Governor's signature; (POV) Passed over Governor's Veto; (W) Withdrawn; (PB) Priority Bill; (A) includes appropriation bill; (PR) Priority Resolution

936	Authorize Drainage Programs	N.R./2-7;1:30	2,5,7	G
937	NE Soil & Water Cons. Fund	N.R./1-23;1:30	2,5	IP
938	NE Soil & Water Cons. Fund	N.R./1-23;1:30	2,5,7, 9	IP
940	Enforce. of Well Regis. Statutes	N.R./2-13;1:30	2,5	G
941	Misc. Department Fees	N.R./1-31;1:30	2,4,5	IP
1003	Water Policy Task Force, etc.		9	F
1023PB	Water Policy Task Force	N.R./1-24;1:30	2,5,7, 9	G
1026	Adopt Water Rights Leasing Act	N.R./2-7;1:30	2	C
1066	Violations/Cease & Desist Orders	N.R./2-13;1:30	2,5	G
1161	Water Suppliers Pay Coun. Serv.	U.A./1-29;1:30	3,5	IP
1219	Approp. Funds to NRC	App./2-13;1:30	3,5	C
1230	MUDs/Retail Water & Gas Sales	U.A./2-5;1:30	3,5	IP
1272	Env. Resp. Cont. Fund/Lottery	N.R./2-20;1:30	3,5	IP
1288	Niobrara Council Powers	N.R./2-7;1:30	3,5	IP
1291	Scrap Tire Grant Trust/ET	N.R./2-13;1:30	3	IP